

**DECISION RECORD
Spanish Springs Quarry
Mineral Sales, Conveyor Belt,
and Access Road Right-of-Way
DOI-BLM-NV-C020-2011-0005-EA**

1. INTRODUCTION

The Spanish Springs Quarry is an aggregate quarry located at the north end of Spanish Springs Valley, Washoe County, Nevada. The 389-acre quarry has been in operations for more than 25 years and currently occupies both private and public lands. Martin Marietta Materials (MMM) acquired the operation from Rocky Ridge Incorporated in 2001. Mining is anticipated to continue at the Spanish Springs Quarry for 20 to 30 more years. Current plans involve a gradual relocation of the quarrying activities from the current BLM Mineral Materials Sale area, to the "Broken Hill Extension" on private property southwest of the existing operation. While quarrying activities are intended to gradually relocate to the Broken Hill Extension, the material processing and ancillary facilities are anticipated to remain at their current location. In order to connect the Broken Hill Extension area to the current processing and ancillary facilities, a conveyor belt and adjacent access road would be proposed in a plan of development (POD) to be submitted to the BLM by MMM for a right-of-way (ROW).

Hence, the Proposed Action involves two elements: 1) the renewal of an existing competitive Mineral Materials Sale Contract for an additional ten-year period; and, 2) issuance of ROW to construct and operate an aggregate conveyor belt and an associated access road across public land between the Broken Hill Extension and the current processing facilities. Surface disturbance on public lands as a result of mineral material sales would increase from 33 acres to 64 acres. The ROW corridor would disturb an additional 19 acres of public land. The nearest community, Spanish Springs, Nevada, is situated directly to the south and east. The City of Reno is located 10-miles south.

The U.S. Department of the Interior's (USDOI's) mineral material disposal regulations at Title 43 Code of Federal Regulations Subpart 3600 (43 CFR 3600) and BLM policy contain provisions that allow for the exploration, development and disposal of mineral material resources on the public land, and for the protection of the resources and the environment. Likewise, USDOI regulations at 43 CFR 2800 and BLM policy contain provisions for rights-of-way and temporary use permits to any qualified individual, business entity, or governmental entity and regulate, control and direct the use of said rights-of way on public lands.

2. DECISION

As a result of the analysis presented in the Environmental Assessment (EA), it is my decision to renew MMM's competitive mineral materials sale contract. This management decision is issued under 43 CFR 3600 and is effective immediately upon signing of this Decision Record (DR). A decision on the proposed conveyor belt and access road ROW is deferred until MMM submits a formal POD for the proposed conveyor belt and associated access road. At which time, the preliminary analysis contained in the EA may have to be supplemented with additional NEPA documentation and mitigation measures prior to a decision on ROW issuance.

The rationale for the Finding of No Significant Impact (FONSI) supports these decisions. Renewal of the sale contract coupled with applicable operating, environmental mitigation and reclamation measures detailed in the EA and listed in this document have led to my decision that all practicable means have been adopted to protect public land resources and the environment and minimize damage to public health and safety. This decision is consistent with the BLM CCDO Consolidated Resource Management Plan (2001) and Record of Decision.

All resource values impacted by the Proposed Action have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be negligible for all resources.

Mitigation Measures/Environmental Protection Measures/Monitoring

The decision to sell mineral material from the Project Area delineated in the EA is subject to operating, mitigation, reclamation and monitoring measures proposed therein by MMM and additional BLM stipulations set forth in the EA and restated in this DR. The conditions outlined in MMM's special use permit (SUP) issued by Washoe County are also included below for completeness.

The following section describes the operating procedures and mitigation measures that were proposed by MMM:

- MMM-1 Topsoil or other growth medium encountered in areas disturbed by the proposed quarry extension shall be stockpiled for later use in reclamation.
- MMM-2 Groundwater and surface water shall not be impacted by quarry operations.
- MMM-3 Areas disturbed by quarry operations shall be reclaimed per the reclamation plan using the recommended seed mix previously supplied by the BLM.
- MMM-4 Reclamation shall be concurrent with quarrying where practical. Once a portion of the quarry is depleted or no longer in need of utilization, that portion shall be re-contoured and reseeded.
- MMM-5 Erosion shall be controlled by preventing storm water runoff from exiting the quarry.
- MMM-6 All site lighting shall be downward facing or shielded to eliminate glare on surrounding properties and shall not exceed one foot-candle at the property line.
- MMM-7 Truck traffic shall not increase as a result of the contract renewal other than possible increases due to normal market demand. The current access road from the plant to Pyramid Lake Highway shall remain unchanged.
- MMM-8 The operator shall limit access to quarrying and processing areas by the general public for health and safety reasons, while maintaining pedestrian and off-highway vehicle access to public lands along Stormy Canyon.

- MMM-9 Fugitive dust shall be controlled by a water truck spraying the pit area and roadways and by a wet suppression system (fogging water sprays) for the crushers, screens, conveyor drop points, or other processing equipment as necessary when the plant is in operation.
- MMM-10 Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, and the Reno-Sparks Indian Colony shall be notified. The period of temporary delay shall be defined in the Cultural Resources Management Plan (per condition No. 5 of the SUP).

The following section describes conditions outlined in MMM's special use permit (SUP) issued by Washoe County.

- SUP-1 The applicant shall demonstrate substantial conformance to the approved Mining and Reclamation Plan and the application submittal approved as part of the special use permit. The Department of Community Development shall determine compliance with this condition.
- SUP-2 A copy of the Action Order stating conditional approval of the special use permit shall be attached to all applications for administrative permits issued by Washoe County.
- SUP-3 The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
- SUP-4 The following note shall be placed on all construction drawings: "Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, and the Reno-Sparks Indian Colony shall be notified. The period of temporary delay shall be defined in the Cultural Resources Management Plan."
- SUP-5 The applicant, in consultation with the Reno-Sparks Indian Colony, shall contract with a professional cultural resource consultant to prepare a Cultural Resources survey before ground disturbance activity. Should cultural resources be identified, a Cultural Resources Management Plan shall be completed and submitted to the Department of Community Development, the Nevada State Historical Preservation Office, and the Reno-Sparks Indian Colony at least sixty (60) days before any ground disturbance occurs. The Plan shall include provisions to mitigate the adverse

impact on cultural resources including, but not limited to, confidentiality of information, cultural overview, date recovery and excavation procedures, Native American involvement and monitoring, and procedures for the care and relocation of any human remains and cultural items discovered on the site. The Plan will not preclude mining the site after mitigation is complete. The Department of Community Development, in consultation with the Reno-Sparks Indian Colony, shall determine compliance with this condition.

- SUP-6 During the period of operation, the owner and/or operator shall notify the Department of Community Development of seasonal or permanent shutdown occurrences.
- SUP-7 Applicant shall in no way increase drainage and/or runoff water to or from any adjacent property. The County Engineer shall determine compliance with this condition.
- SUP-8 During the period of operation, the owner and/or operator shall provide adequate on-site dust control in the pit area, on stockpiles, on all roads, and the conveyor to the satisfaction of the District Health Department. Applicant shall submit a copy of the air quality operations permit that includes the new quarry to the Department of Community Development before commencing operations in these new areas.
- SUP-9 After formal commencement of mining in accordance with Condition 32 [SUP-32] below, if operations should cease for a period of twelve (12) months, the special use permit shall become null and void. Should the applicant desire to operate after this time period, the applicant will be required to file a new application with the Department of Community Development for appropriate review and approval.
- SUP-10 A bond in an amount satisfactory to the County Engineer shall be posted with the County to ensure site reclamation in accordance with the approved plans. The bond shall remain in place with the County for a period of three (3) years after reclamation activities are completed to assure vegetation establishment and growth has taken place. Applicant shall ensure that the financial assurance required by the provisions of the special use permit is maintained for the life of the project. The amount of the assurance may be reviewed every five (5) years at the time of project review by the Planning Commission, and may be adjusted as approved by the County Engineer based on concurrent reclamation and the Department of Community Development and County Engineer's approval of the reclaimed area. Should transfer of the site or the special use permit occur without the continuation of the financial assurances, or should the bond lapse without being renewed within thirty (30) calendar days, this special use permit shall become null and void. Applicant shall ensure that the bonding entity notifies the County Engineer before the bond expires or is terminated. The Department of Community Development shall determine compliance with this.

- SUP-11 After formal commencement of mining in accordance with Condition 32 [SUP-32] below, applicant shall submit a yearly compliance report to the Department of Community Development as required in Section 332.30 of the Development Code. In this report, the applicant shall detail how they have complied with each condition of the special use permit. If not in compliance with a particular condition, applicant shall detail how compliance will be reached together with a fixed timeline to reach compliance. Applicant shall also submit a copy of this report to the Reno-Sparks Indian Colony. The Department of Community Development shall determine compliance with this condition.
- SUP-12 The Planning Commission shall review the conditions of approval at least every five (5) years from the initial special use permit approval date to ensure that the conditions of approval adequately provide for compatibility between aggregate operations and surrounding land uses. This review shall conform to the requirements of Section 332.40(a) of the Washoe County Development Code. Any changes resulting from the review by the Planning Commission shall become part of this special use permit. Applicant shall notify the Reno-Sparks Indian Colony of the scheduled date and time of the review before the Planning Commission at least 10 calendar days before the meeting. The Department of Community Development shall determine compliance with this condition.
- SUP-13 Exported materials shall not be sold without the proper business license. The Community Development Department shall determine compliance with this condition.
- SUP-14 Rodent and insect control for the retention basin, including vegetation removal, shall be required and shall meet all requirements of the District Health Department.
- SUP-15 The applicant shall comply with the conditions imposed by the District Health Department.
- SUP-16 Public access shall be maintained to that portion of Stormy Canyon located on Bureau of Land Management lands for hikers and all-terrain vehicles. The Department of Community Development shall determine compliance with this condition.
- SUP-17 Applicant shall use reclamation water from the City of Sparks for dust control and landscape irrigation when it becomes available at the site. The Department of Community Development shall determine compliance with this condition.
- SUP-18 Extraction activities shall be limited along the north and west property boundaries to a setback of at least 200 feet from the property lines as agreed to by the applicant and the Reno-Sparks Indian Colony. A copy of this agreement, signed by both parties, shall be submitted to the Department of Community Development and shall be made a part of this approval. Mining techniques, earthen and/or vegetative berming, and other methods in accordance with the condition of the special use permit shall be

employed to minimize visibility from Reno-Sparks Indian Colony lands located north of the Broken Hill mine area. The applicant and the Reno-Sparks Indian Colony may modify this condition upon submittal to the Planning Commission of a written agreement signed by both parties, and following Planning Commission approval of a revised mining plan that has been agreed to in writing by both the Colony and the applicant. The Department of Community Development shall determine compliance with this condition.

- SUP-19 Topsoil, when encountered, shall be removed, stockpiled in a protected area, and used in slope reclamation. Additional topsoil shall be imported if the on-site amount is insufficient to establish growth. These stockpiles shall be either reseeded or otherwise treated to prevent wind and water erosion. The Department of Community Development shall determine compliance with this condition.
- SUP-20 Concurrent reclamation shall take place during each five-year phase of the project. Slopes that are or will be visible from the Spanish Springs Valley or Eagle Canyon Drive shall be reclaimed before lower, sight-shielding slopes are mined. At a minimum, all mined slopes shall be reclaimed three (3) years before their predicted exposure from Eagle Canyon Drive or the Spanish Springs Valley; the Department of Community Development and the County Engineer must approve any variance to this time requirement, which shall be based on accomplished reclamation in conformance with the conditions of this special use permit. Failure to comply with this condition shall be a violation of this permit, and shall be cause for Washoe County to suspend all operations until the operator/owner complies with this condition. The Department of Community Development shall determine compliance with this condition.
- SUP-21 Reclaimed slope faces and the floor of the quarry shall be contoured to have a natural appearance by varying the topography both horizontally and vertically and shall not exceed 3:1 in slope; no flat-slope faces or slope planes intersecting at 90 degrees angles shall be permitted. Steeper slopes due to bedrock outcroppings may be allowed on a case-by-case basis, and must be approved by the Department of Community Development and the County Engineer; such exceptions shall be limited in size and number, and shall be contoured as much as possible to resemble natural outcroppings. The Department of Community Development shall determine compliance with this condition.
- SUP-22 Seed type, mix, and application quantity used in reclamation shall require approval of the Washoe-Storey Conservation District and the County Engineer before application. All disturbed land shall be contoured and seeded no later than the month of March in the Spring or the month of November in the Fall of the year that mining activities in the area are completed. For slopes greater than 3:1 around rock outcroppings, the revegetation plan shall require the use of a "jute" erosion control blanket under the seed mix or other approved method of soil stabilization to be used in conjunction with the reseeded to promote growth and soil stabilization. Slopes that are visible from the valley or roadway shall have juniper trees planted randomly

to match the amount of growth on surrounding, undisturbed terrain. The Department of Community Development shall approve the number of trees and their location. At least one-half of all evergreen trees shall be at least seven (7) feet in height, and the remainder must be at least five (5) feet in height at the time of planting. Temporary irrigation shall be provided until all vegetation required in this condition is established to the satisfaction of the Department of Community Development. The Department of Community Development shall determine compliance with this condition.

- SUP-23 All slopes created because of road and conveyor construction shall be immediately stabilized and reseeded. The Department of Community Development shall determine compliance with this condition.
- SUP-24 Before commencement of operations in the quarry extension, a revised mining and reclamation plan shall be submitted for approval by the Department of Community Development and the County Engineer, and shall contain, at a minimum, the requirements contained in Conditions 18 through 23 [SUP-18 through SUP-23] above. Operations shall not commence until written approval of the revised plans has been received from the Department of Community Development.
- SUP-25 Applicant shall obtain all required approvals and permits from the U.S. Bureau of Land Management for access across its land for the roadway and conveyor. The Department of Community Development shall determine compliance with this condition.
- SUP-26 On-site signs shall conform to code requirements and shall be approved by the Department of Community Development before their installation.
- SUP-27 Blasting, if required, shall be limited to Mondays through Fridays during the hours of 10:00 AM to 3:00 PM. The Department of Community Development shall determine compliance with this condition.
- SUP-28 All lighting shall be down-shielded and shall not spill over to adjacent properties. The Department of Community Development shall determine compliance with this condition.
- SUP-29 In no instance shall Eagle Canyon Drive be used as a route of ingress or egress to the quarry by vehicular traffic. The Department of Community Development shall determine compliance with this condition.
- SUP-30 The following conditions shall be completed to the satisfaction of the Engineering Division:
- a. For mining operations, the developer shall obtain from the Nevada Division of Environmental Protection a Mining Stormwater Discharge Permit for mining and submit a copy to the Engineering Division before mining commences.

- b. A restoration bond of \$1,200 per acre of newly disturbed area [within the privately owned portion of the project] shall be provided to the Engineering Division before mining commences.
 - c. Cross-sections indicating cuts and fills shall be submitted before mining activities commence.
 - d. An approved Occupancy Permit shall be obtained from the Nevada Department of Transportation (NDOT) for access to, from, or under roads and highways maintained by NDOT, and a copy of said permit sent to the Engineering Division.
- SUP-31 The following items must be completed to the satisfaction of the Reno Fire Department:
- a. The following note shall be placed on the mining plan: Due to response time and the lack of fire protection water, structures built on these parcels shall be equipped with an automatic extinguishing system meeting the approval of the Reno Fire Department.
 - b. Fire fuel breaks meeting the approval of the Reno Fire Department shall be provided and maintained around all structures and machinery.
- SUP-32 Applicant shall submit written notification to the Department of Community Development and to the County Engineer before formal commencement of extraction of mineral resources occurs in the extended [Broken Hills] quarry area.
- SUP-33 Failure to comply with any of the conditions of approval shall be considered a violation of the Development Code and, subject to the provisions of Article 910, Enforcement, of the Development Code, may result in the institution of revocation procedures by the Board of County Commissioners.

The following section describes the operating, mitigation, reclamation and monitoring measures required by the BLM or other state or local agencies. Some of the measures are already conditions in the SUP, but are included for completeness. The measures are listed by resource:

- Air-1* A comprehensive dust control plan for the project shall outline the options for controlling fugitive dust during quarrying activities. In addition, air quality impact minimization and mitigation shall include covering haul trucks transporting materials, wetting materials in trucks, or providing adequate freeboard (space from the top of the material to the top of the truck bed) to reduce particulate matter emissions and deposition during transport. Furthermore, wheel washers to remove particulate matter that would otherwise be carried off-site by vehicles to decrease deposition of particulate matter on area roadways shall be used coupled by minimizing operations during high wind conditions. Mitigation measures are also

stipulated in permit conditions issued by the Air Quality Management Division of the Washoe County Health Department Washoe County.

- Biology-1* Topsoil removed during site development, construction and road grading activities will be stockpiled and re-spread for vegetation restoration support when quarrying activities are completed.
- Biology-2* Revegetation of disturbed areas shall proceed in a timely manner following quarrying activities to minimize the impacts associated with loss of native vegetation.
- Biology-3* When sufficient topsoil is unavailable to promote revegetation and stabilization of reclaimed lands, the sale proponent shall apply a suitable growth medium (as determined through vegetation test plots) to disturbed areas prior to seeding.
- Biology-4* All recontoured and restored disturbed areas shall be seeded using a seed mix and seed application method approved by the BLM.
- Biology-5* Best management practices shall be used to mitigate the potential for noxious weeds and promote native vegetation. The operator will coordinate with the Nevada Department of Agriculture for annual noxious weed surveys, following all State protocols. If noxious weeds are discovered now or in the future, a noxious weed management plan will be developed and implemented by MMM following guidelines set forth by the Nevada Department of Agriculture and the BLM.
- Biology-6* If weed treatments are necessary, they will be completed in conformance with BLM manual 9011 and the Vegetation Treatments Using Herbicides in 17 Western States PEIS. Weed treatment activities, if necessary, will be completed pursuant to the following proposals and reports:
- a. For chemical control:
 - i. Pesticide Use Proposal
 - ii. Pesticide Application Record
 - iii. Pesticide Use Report
 - b. For biological control:
 - i. Biological Control Agent Release Proposal
 - ii. Biological Control Agent Release Record.
- Biology-7* Impacts affecting migratory bird species shall be minimized by minimizing disturbance during nesting season.
- Cultural-1* Should cultural resource discoveries be encountered during the ground disturbing activities, all such activities shall halt within a 50-meter radius and the BLM will be properly contacted.

Hydrology-1 Berms and sediment traps shall be used to reduce wind erosion and storm water runoff from the project area.

Recreation-1 No mining or surface disturbing activities shall occur south of Stormy Canyon drainage. In addition, public access through the portion of Stormy Canyon within the contract area shall not be restricted, altered, or modified.

Recreation-2 The sale proponent shall continue to properly maintain and, as necessary, extend the existing fence along the north side of Stormy Canyon to preclude public access into the active Mineral Material Sale area. The fence must also be signed every 200 feet with the following caption: "BLM MINERAL MATERIAL SALE AREA" – "RESTRICTED ACCESS."

3. PUBLIC INVOLVEMENT

The Proposed Action resides Washoe County on public lands designated as General Rural in the Spanish Springs Area Plan. The project area of the Proposed Action is also located within the Spanish Springs Citizen Advisory Board (CAB) boundary and Washoe County Commission District No. 4. Aggregate mining uses are allowed in Washoe County on lands designated as General Rural under a special use permit (SUP). A SUP was obtained from Washoe County by MMM for the Proposed Action on November 4, 2004. The subject EA constitutes a separate environmental analysis associated with MMM's request to renew their existing competitive mineral material sale contract on the public lands.

Upon completion of the EA, an electronic copy was posted on the BLM Carson City District Office web page for a 30-day public review period, and notification letters were sent to all adjacent property owners, the Reno Sparks Indian Colony, Washoe County Department of Community Development and the Spanish Springs CAB. A hard copy of the EA was also made available for review at the public room in the BLM Carson City District Office. An electronic copy of the EA was also distributed through the Nevada State Clearinghouse. During the public review period the BLM received responses from two state agencies in support of the EA as written. No substantive comments were received; therefore no changes were made to the March 2011 Environmental Assessment, which now becomes the Final EA

4. RATIONALE

The reasons for issuing the decision for Competitive Sale Renewal under 43 CFR 3600 are as follows: the Proposed Action, as mitigated, meets the criteria described in the Federal Land Policy and Management Act of 1976 to prevent undue and unnecessary degradation of public land and the 43 CFR 3600; the Proposed Action is in conformance with the Carson City Field Office Consolidated Resource Management Plan (2001) which states that the BLM desired outcome is to *encourage development of energy and mineral resources in a timely manner to meet national, regional and local needs consistent with the objectives for other public land uses* (page MIN 1); and, the Proposed Action is also in conformance with the President's National Energy Policy as put forth in Executive Order 13212 and will not have an adverse impact on energy development, production, supply and/or distribution. The action must also comply with applicable rules and regulations of other local, state, and federal agencies.

3. APPEAL PROVISIONS

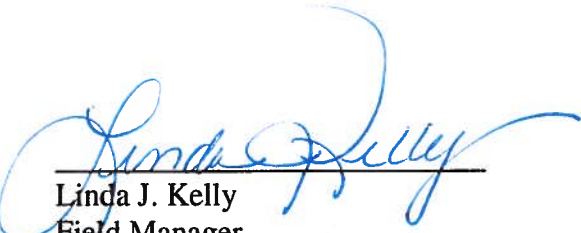
Decisions may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (b) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.4 13) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

4. STANDARDS FOR OBTAINING A STAY

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Linda J. Kelly
Field Manager,
Sierra Front Field Office

5/11/2011
Date

Enclosure: Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

- | | |
|---|--|
| 1. NOTICE OF APPEAL..... | A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413). |
| 2. WHERE TO FILE NOTICE OF APPEAL.....

WITH COPY TO SOLICITOR... | Bureau of Land Management
5665 Morgan Mill Road, Carson City, NV 89701

Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior
2800 Cottage Way, Suite E2753, Sacramento, CA 95825 |
| 3. STATEMENT OF REASONS

WITH COPY TO SOLICITOR..... | Within 30 days after filing the Notice of Appeal, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior
2800 Cottage Way, Suite E2753, Sacramento, CA 95825 |
| 4. ADVERSE PARTIES..... | Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. |
| 5. PROOF OF SERVICE..... | Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)). |
| 6. REQUEST FOR STAY..... | Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay. |

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.